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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

**IN RE: DA VINCI SURGICAL
ROBOT ANTITRUST LITIGATION**

**THIS DOCUMENT RELATES TO:
ALL ACTIONS**

Lead Case No. 3:21-CV-03825-AMO

**OMNIBUS DECLARATION OF ICEE N.
ETHERIDGE IN SUPPORT OF PLAINTIFFS'
CORRECTED MOTION FOR PARTIAL
SUMMARY JUDGMENT, REPLY IN
SUPPORT OF MOTION FOR PARTIAL
SUMMARY JUDGMENT, AND OPPOSITION
TO MOTION TO EXCLUDE TESTIMONY OF
EINER ELHAUGE**

The Hon. Araceli Martínez-Olguín

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3 I, Icee N. Etheridge, declare as follows:

4 1. I am an associate at Spector Roseman & Kodroff, P.C., and Interim Co-Lead Counsel for
5 the Plaintiffs in this matter. I make this declaration based on my personal knowledge in support
6 of Plaintiffs' Corrected Motion for Partial Summary Judgment (Dkt. No. 128-1), Plaintiffs'
7 Opposition to Intuitive's Cross-Motion for Summary Judgment And Reply in Support of Partial
8 Summary Judgment (Dkt. No. 170-1), and Plaintiffs' Opposition to Intuitive's Motion to Exclude
9 Testimony of Einer Elhauge (Dkt. No. 165-2) in the above captioned matter. If called upon to do
10 so, I will testify competently to the facts set forth herein.
11

12 2. I certify that the following Table of Exhibits lists true and correct copies of all exhibits
13 attached to this Declaration in support of Plaintiffs' Corrected Motion for Partial Summary
14 Judgment, Plaintiffs' Opposition to Intuitive's Cross-Motion for Summary Judgment And Reply
15 in Support of Partial Summary Judgment, and Plaintiffs' Opposition to Intuitive's Motion to
16 Exclude Testimony of Einer Elhauge.
17

18 3. The materials in the following Table of Exhibits are being refiled in accordance with the
19 Court's Superseding Omnibus Order Re: Sealing (Dkt. No. 246). As such, Plaintiffs are
20 indicating below which Exhibit, which was originally filed under seal, the newly attached
21 redacted Exhibit is meant to replace.
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TABLE OF EXHIBITS

| Original Exhibit # | New Exhibit # | Description |
|--------------------|---------------|--|
| 128-2, 165-3 | 1 | True and correct copy of the Corrected Expert Report of Professor Einer Elhauge, January 10, 2023 ("Elhauge Rep.") |
| 128-3, 165-4 | 2 | True and correct copy of the Rebuttal Expert Report of Professor Einer Elhauge, March 3, 2023 ("Elhauge Reply Rep.") |
| 128-44 | 3 | True and correct copy of the Expert Report of Christy Foreman (SIS), 1/18/23 |
| 129-1 | 4 | Ex. 18 - REBOTIX174692 |
| 129-5 | 5 | Ex. 80 - REBOTIX110980 |
| 150-1 | 6 | Ex. 79 - Deposition of Clifton Parker, 10/25/2022 |
| 165-14 | 7 | Exhibit McCuaig Ex. 2 – True and correct copy of the Supplemental Expert Report of Kimberly A. Trautman, 3/1/2023 |
| 165-9, 170-16 | 8 | True and correct copy of the Rebuttal Expert Report of T. Kim Parnell, 3/1/23 |
| 170-1 | 9 | Plaintiffs' Opposition to Intuitive's Cross-Motion for Summary Judgment and Reply in Support of Partial Summary Judgment |
| 170-21 | 10 | True and correct copy of the Expert Report of Christy Foreman (Larkin), 1/18/23 |

Dated: May 14, 2024

Respectfully submitted,

/s/ Icee N. Etheridge